G R S 59]

GPB—15 000—22 7 14

GENERAL AND REVENUE SECRETARIAT

1910-11
(Education)

File No. 472

Serial Nos. 23, 24, 26, 28, 31

Papers Filed.

Month Jany 1914

SUBJECT

Acqu Kitchaiya chettis chatrams lands

PREVIOUS REFERENCES	LATER REFERENCES
	Edu 27-11(1 Nos 51, 53 58 and 67

GRS 11] 1913-14

GENERAL AND REVENUE SECRETARIAT

(Estt)

NOTES

File No 472-10

FILE HEADING

Acquisition of the Khatkaram Sites adjoining the Central College Students' Hostel

From The Dy Comm^r Bangalore District

No S 266 Dated 18/9/13 Received 12/9/13

Diary No 1720	Enclo	Spare Copies	Serial No 23

BRIEF ABSTRACT OF LETTER

In Continuation of his office No S 220 21/9/13 re the acquisition of the Khatkaram Sites near the Central College Hostel states that a sum of Rs 11801-4-10 was paid on 2/9/13 to one of the parties who would be found to have no title, submits a petn from certain citizens of Bangalore requesting that further payment of Compensation may be withheld as the Khatkaram is a charitable endowment and that the case may be referred to the District Court for adjudication and requires whether the petitioners who have signed the petn can be treated as persons interested in the Khatkaram under Section 18 of the Land Acq^n Act and if so, whether the case may be referred to the District Court

NOTES AND ORDERS

P.T.O

Notes—First Sheet

GIL—3,000 1 (1)

R S 12]

General and Revenue Secretariat

Govt File No 472 of 1910-11

Serial No 24

From Dy Comr, Bangalore Distt
No S 271 dt 11/9/13

In continuation of the above, submits a petn from Subramma the claimant of half the share in the Khatrimm stating that the Khatrimm is a personal property and not a charitable endowment and that the Judicial Power no Right Reserve in the matter and praying that half the Compensation may be paid to her

1 Refers to his References the question as to whether the Khatrimm is a public institution was considered in Connection with the acquisition of the Site Thereon Dy Comr, Bangalore Distt, submitted a Report in the matter from which it would appear that Khatrimm was not intended for the use of the public as a charitable institution (Vide Govt 472 10 Dn 2 Rev) Br III may perhaps be consulted on the point raised by the Dy Comr

Rev 13 Sept (III) 17/9/13 Secretary

Br 15/9/13

PTO

NOTE—Contn sheet

GIE—( )—1 C—

1779

R S 12]

General and Revenue Secretariat

G&R File No 472 of 1910-11

Serial No 26

From the Dy Comr, Bangalore Distt
No S 280 dt 12/9/13

Forwards in continuation a petn from the Widow of Kotta Munisawmy Chetty whose share in the Bhattram was purchased by Mr Venkatachalapa Chetty in Court Sale, stating that the Bhattram is a charitable institution and that none of the members of the family can claim to have any interest in the property and prayng that the property may be left in tact for charitable purposes as heretofore

The petitioner also prays that the Claim of Venkatachalapa Chetty who has purchased her share in the Bhattram and who has been awarded in Compensation of Rs 11301-4-10, may be Referred to Civil Court under Section 18 of the Land Acqn Regn and that pending the decision of the matter, Mr Venkatachalapa Chetty may be asked to Refund the amount received by him

Noted Hm (11) Secretary hm 9 9 13

NOTE—Contn sheet

GIE—( )

1778

R S 12]

General and Revenue Secretariat

Mr. File No 472 of 1910-11

Serial No

3 Please refer to L A Regn & Rules thereunder & see what action is possible, consulting Br III also.

MS 107-13

C&S 17/9/13

Br III) MS 17/9/13

4 Submitted with the Land Acquisition Manual, 1902 and Mr W N Ghosh's Land Acquisition Act.

Yogi 8/9

The file discloses that the widow of the late Muniswamy chetty, grandson of late Kotchuk chetty claims the compensation amount as the only heir of the deceased and objects to the payment of the compensation amount to one Subbiah chetty the purchaser of her husband's share in the chattram at a court-sale. Her objection is based on the ground that the chattram is a charitable institution and that therefore subbiah chetty has no right of disposal in it. Subbiah chetty denies that the chattram is a charitable institution and claims the compensation amount. It would appear that under these circumstances, sec 31(2) would apply and the amount should be deposited in court for disposal under sec 32(1)

Page 3

Page 1

NOTE—Contn sheet

25(9)(13) MK

G11—65 000—1 C 1

S 12]

General and Revenue Secretariat

(Issues 10)-13 177.

G.W.F. File No 472 of 1910-11

Serial No	
	5 I should like to see a copy of the award order if available
U S P 4 28/9/13	6 A copy of the award order is not available here.
	7 The Deputy Commissioner who passed the Award order has submitted two petitions recd by him from (1) certain citizens of Bangalore & (2) the widow of Munuswami Chetti who is alleged to have sold her share to one Venkatachalah. The two petitions stand on different footing & have to be considered separately.
	8 Firstly, as regards the petition from certain inhabitants of Bangalore to the effect that the propety

NOTE—Contn sheet

[GPE—(000—1 C1

acquired were trust properties to which the family of Kotchia Chetty have no personal claim the Dy Com sol cld instructions as to whether the petitioners can be taken to be persons interested so as to necessitate a reference to the Court The words ,persons interested have been defined in Section 3 of the Regn , and the only possible inference that can be drawn from the definition in this particular case is that it does not include persons who have no interest in the title of the land or its easements Persons interested must be those who have some claim of right as to the land either as owners in fee simple or lessees mortagagees or even as tenants of the The term, in my opinion does not include beneficiaries of a trust assuming that there is a trust A portion this is much more so when the no question as to the charitable nature of the properties was raised by any party before the Dy Com^r during the enquiry or was adjudicated

P S 12]

General and Revenue Secretariat

File No 472 of 1912-11

Serial No

apparently in the award order

9 The proper course for the petitioners appears to be to file a suit against the parties obtaining compensation under the D[y] Comrs Orders, for a declaration that the compensation amount also should be dedicated to charitable purposes No doubt, so long as a charitable trust lasts, the lands properties of the trust are inalienable & when such properties are acquired, the award order may direct investment of the compensation amount in securities But in this case, neither during the present enquiry nor during the acquisition proceedings in 1901, was the question as to the charitable nature of the property raised, & in the absence of any such issue, the alleged beneficiaries cannot I seem to me compel the ~~Court~~ D[y] Comr to refer the matter to the Court under Sec 18 as they are not persons interested

10 As regards the petition of the widow two matters are mentioned therein viz that the properties form a

NOTE—Contn sheet

GPB—65 000— 7-6-12.

Fasc-107-13 8

R S 12]

General and Revenue Secretariat

File No 472 of 1910-11

Serial No

a trust This aspect has been discussed above (2) The widow who takes objection to the payment of the amount falling to her husbands share to the decree holder Venkatachalaiah In the absence of records, it is not possible to say how far her contention tenable It is however not matter of intricacy the Dy Com may be asked to exercise his discretion as regards this particular point

Comm to be noted & kept in file to come up

B v IV

SA 28/10

C & R 24/10/13

NOTE—Contn sheet

GPB—65 000—17-6-12

2045

R S 12]

General and Revenue Secretariat

File No 472 of 1910-11

Serial No

28 From The Dy Commr Bangalore Distt
No 8845/24/9/13

Forwards for reference a petn No 1615/
17/9/13 from Kotta Nanjunda Setty who is
the claimant of one fourth share in the
Bhattram near the Central College Hostel,
stating in continuation of his previous petn
that he has filed a Suit in the Distt
Court praying for an injunction stopping
the payment of the Compensation for Katy
the Bhattram to one Subbanna who has
only a life interest in the property and that
the Court has issued an ad interim
injunction

11 Submd the file has been sent to Br III
for opinion This will be placed on it

Thw 24 17/10/13 12 Yes Please ask Br III to expedite. hy 18/10/13

13 Submd with the remarks of Br III pages 5 to 8 Supra.

Secretary 24/10/13

hy 25/10/13

NOTE—Contn sheet

CIB—6 000—1 61

R S 12]

General and Revenue Secretariat

G.O. File No 472 of 1910-11

Serial No

14

Please put up a draft returning the petition to Dr with observation as in the note of the Asst Secy Br II [Dr may be asked to send a copy of the award for reference] C&S 27/10/13

15 Draft noted the following petn on the subject since received is also put up.

Hon 24 27/10/13

30. From the Private Secy to H H No 1577 D 24/10/13

Forwards for disposal a petn from the Widow of Kotta Nanga Immanuvamma Chetty alleging that the Chattram is a charitable institution [Same as G.O. 26 ab

16 Dewan's order

* "Secy (G & A) through Group I to study and explain the issues (Sd) M V. 25/10/13

NOTE—Contn sheet

GPB—65 000—17-6 1.

2574

R S 12]

General and Revenue Secretariat

File No 472 of 1910-11

Serial No

17. Secy's view

"Please let me have the file with a draft as already directed."

Sd/- C&B
24/10/13

18 The file is sent with draft

Hm
24
24/10/13 B (11)
1913

19 A draft is put up as directed But the need for the Govt to give its opinion as in the draft, at this stage is not apparent The proceedings of the Dt Court are of a quasi-judicial nature and it is for him to decide on all questions coming up before him, in accordance with the Regulation and rules on the subject The law provides for remedies to aggrieved parties, and in those circumstances the seeking of instructions by the Dt Court does not seem to have been, in itself, in order He may it seems, be directed to consider the petns and bring them

NOTE—Contn sheet

GPB—65 000—17-6-12.

G R S 12]

2574

General and Revenue Secretariat

File No 472 of 1916 II

Serial No

to disposal in accordance with law

Secretary

3/11/13

20 Sub° to 1st C^ with draft revised

CRB 3/11/13

21. Is it settled law that a person interested" does not include a beneficiary — such as may e.g. file a suit with Dy Cr's sanction under O 1 r 8 (2) of the C.P.C.

I should like to see authority

22 I think that it should be ascertained whether the institution is charitable" or not in some manner before ~~the~~ — paying over the money ~~before~~ Independently of these petns, the D.C. shd thoroughly enquire into title of the claimants & if necessary & possible in acc with new Mar Regn

NOTE—Contn sheet

GPB—60 000—25 9 13

2574 Jun 10 13

G R S 12]

General and Revenue Secretariat

Ecl File No 472 of 1910

Serial No

23 To Asst Secy Br III for a note on the point referred to in para 21 above, as directed by the Secretary on the margin of the said para. The point raised in para 22 will be noted upon, on return of the file.

15 11 13

Recd 15 11 13 5 PM Spl

III

Submitted

15/11/13

24 I have not been able to pick up any definite authority for the proposition that a 'beneficiary' is not included among "persons interested" as used in the I A Regn & states the proposition as an effect of the definition of the expression "person interested" occurring in the Regn. I consulted the Govt Advocate & he also agrees with me that a 'beneficiary' is not a person interested & that only the trustee of a religious & charitable trust can compel a reference to the Court. The scope & object of Sec 92 of the C P C are so entirely different that the fact that any beneficiary

Vide D O put up below 5/12

NOTE—Contn sheet

GPB—60 000—25 9 13

2574

G R S 12]

General and Revenue Secretariat | Gen. File No. 472 of 1913-11

Serial No

may file a suit regarding the trust- does not seem to have much bearing on the present question It is true as the Govt advocate points out that persons who were not before the Asst Commr during the enquiry may require him to make a reference to the Court, but such a person must satisfy the Commr that he is a person interested

Br IV

SDM 24/11

24/11/13

Submitted

25/11/13

25 The question whether the institution was a Charitable one was ~~examined~~ enquired into in connection with the acquisition of the sites The then Asst Commr reported after enquiry that it was not a 'Charitable institution' (Please see Edn file 472-10 Slo 9) It has all along been treated as private prop

Flag R

26 Subject with reference to the enquiries at paras 21 & 22 above

Secretary

26 11 13

NOTE—Contn sheet

GPB—65 000— 7 8-12.

G R S 12]

General and Revenue Secretariat

File No 472 of 1910-11

Serial No

By Asst Secy
24
8/1/14
Secy
(7)

Rec
5/1

Issue

CSB
8/1/14
RG 8-1-14

32 To the Bangalore Dt 6910 & 13/1/14

Note that the parties who have presented petns protesting against the payment of compensation to the owners of the chattrams, may be informed that they shd get an order of a proper court on their claims within a date to be fixed by the Dy com and that the payment would be made thereafter to the proper claimants.

NOTE—Contn sheet

GPL—60 000—7 1 13

C R S 13]

Routine Notes

[To be used only for notes, requisitions etc not intended for permanent record]

No 8

24/11 SPL

Bangalore
24th Nov 1913

Dear Mr Rangachalacha,

I herewith return the file in the Case of Trust Estate dedicated for Charitable purpose if in the Charitable Institution that is the person interested of such institution though regarded as a juridical person capable as such of holding property it is only in an ideal sense that property is so held, possession & management remaining with the Trustees of the Charity - Under the Land Acq^n Regulation 'the person interested' in the Charity

appears to my mind to be the
Trustee of the Charity & that it
be that is entitled) to ask for
reference to Court of the Defendants
of (Persons interested & Persons entitled
to see in § 3 of the 2 A Reg
2 The persons contemplated)
as having an interest in the
Trust according to Sec 92 CPC
(Corresponding to Sec 539 Old CPC)
are persons having the same
sort of interest that is sufficient
under Sec 14 of Act XX of 1863
(Religious Endowments Act)

6 maintain a suit It may
also be noted that Sec 92 CPC
applies to suits brought for the
removal of Trustees & also to suits
brought against third parties
whose hands trust properties
may have passed under
unproper alienations by the trust

3 There is yet another point
If a person is not before the
Land Acq^n officer when the award
is made or is not even noticed
before the award is made, it
would appear that he is not
precluded from asking for a
reference if he is a person interested
& has not accepted the award

Cf 5 C & J 301 In that case in certain Land Acq matter the Collector apportioned the amount of Compensation between the Landlord & the Tenant. Subsequently another person appeared & claimed the amount apportioned to the Landlord alleging that the person to whom the Collector had apportioned the money was not the real Landlord of the land acquired. The Collector thereupon referred the matter to the Court — the Calcutta High Court held that the reference was validly made & the Civil Court has jurisdiction to decide the dispute

Yours sincerely
Boundaryman
Solicitor

To
S T Rajagopalachari Esq
Advocate
Salem

Routine Notes

[To be used only for notes, requisitions, etc not intended for permanent record]

B —Should routine notes be written on small slips the notes must be copied or slips pasted on this form

GPB—29 000—14 7 13

To the Very Worshipful 1913

191

From The Deputy Commissioner, Bargalore Distr c

To The Secretary to the Government of Mysore General & Revenue Department

Dated

Despatched 10th September

Received

General No S 266

No

Enclosure No one petition

In cont of no S 220 dated 1-9-13, seeking instructions, whether the case for payment compensation to the Owners of Kutcheri Chandan trees acquired for the Central College Physics professors quarters may be referred to the District Court

Very Urgent

D 1720

Office of the Deputy Commissioner
Bangalore District
Dated Bangalore, 10th September '13

Edn 472-10
Serial 23

No -----

From

K Chandy Esq ,B A ,
Deputy Commissioner,
Bangalore District

To

K.R Sreenivasa Iyengar Esq ,M A ,
Secretary to the Government of H H
the Maharaja of Mysore, Genl and Rev Deptts

Sir,

In continuation of this office No S 220 dated 1st September 1913, regarding the acquisition of the Kitchetty Chattram Building for the Central College Physics Professor's quarters, I have the honor to state that the award was passed in the name of one Subbamma who is reported to the owner of half the chatram and -- Nanjunda Chetty owner of ¼ chatram and one Pogakalu Venkatachaliah Chetty, purchaser of the remaining ¼ chatram in a court sale, and notices were issued in the names of the above three persons to -- receive the amounts

Of the above, Pogakalu Venkatachaliah Chetty appeared before me on the 2nd instant through his Advocate Mr D Venkataramiah and wanted the amount to be paid to him under protest and accordingly he was paid Rs.11,301-4-10

On the 6th instant certain citizens of Bangalore City, presented a petition through their Pleader Mr Suraopa, stating that the chatram acquired was a charitable endowment for the benefit of the public, the Vaisyas in particular, that none of the members of the family of the said Kitchiah Chetty own any private interest, that the compensation amount awarded therefor should not be paid to the above noted Subbamma and others but should be invested in buying other properties, that further payment of the amount may be withheld and that the case must be referred to the District Court under section 18 of the Land Acquisition Regulation for adjudication regarding the nature of the property and the appropriation of --

of the amount of compensation The said petition is submitted herewith for reference and kind return Formerly in the year 1902 a portion of the chatram in question was acquired for the Central College students Hostel, under Notification No 3170/Ed F 42-96 dated 3rd September 1902 and a compensation of Rs 5 584-8-0 was awarded by Mr H H Sparkes on 20th November 1902 and the claimant Kotta Subbaraya Chetty husband of the present claimant Subbamma mentioned above having claimed a larger amount the case was referred to the Subjudge's Court for adjudication and the Sub-Judge In O S No 237 of 1902-03 decreed for Rs 5785-5-4 -- The compensation amount which was sent to the Court was apportioned as noted in the margin and the public

Rs 2 835-1-7	Kotta Subbaraya Chetty	or the citizens of --
1 417-8-9	Kotta Nanjunda Chetty	
116-4-3		Bangalore do not seem
788-0-0	Pokakal Venkatachela Chetty&	
513-4-6	Nazir	to have raised any ob-

jection then to the appropriation or to the payment of the said amount

Under these circumstances I solicit instructions as to whether the public who have signed the petition can be treated as persons interested under Sec 18 of the Land Acquisition Regulation and their protest taken as sufficient for referring the case to the Civil Court and if so whether the case may be referred to the District Court and the amount not paid to the other two claimants mentioned above

I have the honor to be

Sir

Your most obedient servant

K Chaudy

Deputy Commissioner
Bangalore District

L S R

From

Deputy Commissioner,
Bangalore District

19/13

To The Secretary to
the Government of Mysore
General & Revenue
Dated Department
Despatched 11th November 13
Received
General No S 271
No
Enclosure No One

In cr of S-266
of 10-9-13 from the
petition of Subbamma,
the owner of Half of
Kitchetty Chavadi

GPB—50 000—26 9 12

Office of the Deputy Commissioner
Bangalore District

URGENT. Dated 11th September 1913

Edn 472-10
Revenue 24

From,
D/739
K Chandy Esq B A
Deputy Commissioner
Bangalore District

To,
K R Sreenivasa Ayyangar Esq M.A
Secretary to the Government
of Mysore General & Revenue
Departments Bangalore

Sir,

In continuation of this office
letter no S 266 dated 10th September 1913
regarding the acquisition of Kitchanya Chetty
Chatram Buildings Bangalore City, I have
the honor to forward herewith the petition
Registered no 157 received from Subbamma,
the claimant of half the share in the Chatram,
through her Advocate in support of her claim
and to request early orders in the matter

I have the honor to be
Sir
Your most obedient Servant
K Chandy
Deputy Commissioner
Bangalore District

191

From

The Deputy Commissioner,
Bangalore District

To The Secretary to the
Government of Mysore
General & Revenue
Departments

Dated

Despatched 12th September 13

Received

General No S 280
No

Enclosure No one

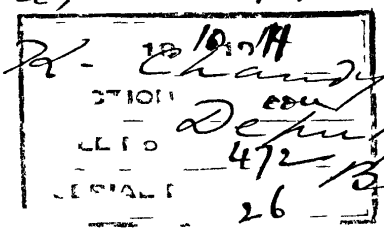
In cont of S 27.
B 11-9-13 forg for receipt
& return petition from
the widow of Kotta Ramu
Samy Chetty

GPB—50 000—26 9 12

URGENT

DEPUTY COMMISSIONER'S OFFICE
BANGALORE DISTRICT
DATED BANGALORE 12 Sept 1913

DIARY NO 1778



From,
K. Chandy Esq, B.A.
Deputy Commissioner,
Bangalore District.

To,
K.R. Sreenivasa Iyengar Esq. M.A.
Secretary to the Govt of Mysore,
Genl & Rev. Depts

Sir,

In continuation of this office letter No 5271 dated 11-9-1913. re the acquisition of Ketchanya Chetty Chatram Buildings, Bangalore City, I have the honour to forward herewith for reference and return petition No 152 dated 12-9-1913 from the widow of Kotta Munisawmy Chetty whose share in the Chatram was purchased by Mr Pogaku Venkatachalya Chetty in Court sale, and payment received thereof as reported in my letter No 266 dated 10-9-1913

I have the honor to be
Sir,
Your most obedient Servant

K. Chandy

Deputy Commissioner,
Bangalore District

From

Deputy Commissioner,
Bangalore District

To

The Secretary to Government
General & Revenue Depts
Bangalore

Dated } 24 9 13
Despatched }

Received

General No S 345
No

Enclosure No one Petn No 161

For the petition of Kotha Narayandeya Setty for reference and kind return

D 2045

Ecn 47210
Jenal 28

Office of the Deputy Commissioner,
Bangalore District
Dated Bangalore, 24th September 19

No -----

From

K Chandy Esq, B A,
Deputy Commissioner,
Bangalore District

To

K R Sreenivasa Iyengar Esq, I A,
Secretary to the Government of H H
the Maharaja of Mysore, Genl and Rev Deptts
Bangalore

Sir,

In continuation of this Office letter No S 180 dated 12th September 1913 re- the acquisition of Kutchanya chetti's Chatram buildings, Bangalore city, I have the honor to forward herewith for reference and return petition no 161 dated 17th instan received from Kotta Nanjundanya Chetty who is the claimant for one fourth share in the said khata

I have the honor to be
Sir
your most obedient Servant

K Chandy

Deputy Commissioner
Bangalore District

7 H H 5-56

Edn 472-10

No 1577
1

THE PALACE MYSORE Serial 30

Dated 28th October 1913

D 2574

Petition No 369 received on 23rd October 1913, from Lakshmi Devamma, Bangalore City, is forwarded, with compliments to the Dewan of Mysore, Bangalore, for favour of disposal

By Order,

P Raghavendra Rao
Huzur Secretary

Sec'y E & A (Group I)
To state - applicant - person
26.10.13

369

To

His Highness The Maharaja of Mysore

M Y S O R E

The humble petition of Lakshmi Devamma
widow of the late Kotta Munisamy Chetty
residing in Kitchiah Setty's Chattram Petitioner

May It Please Your Gracious Highness

Rell
7.11.13

1 That she is the widow of one Kotta Munisamy Chetty who died in Bangalore about 4 years ago

2 That the said Kotta Munisamy Chetty and one Vanjundiar were brothers and the only surviving male members of the family of their grand-father the late Kitchiah Chetty

3 That the said Kitchiah Chetty built a Chattram a -- temple a Cart-stand Pond Wells and other Mantaps attached - thereto for the benefit of the public in general and of the - Vaisya Community in particular

4 That this act of charity was the first of its kind in Bangalore so far as the petitioner is aware and all the members of the Vaisya Community cherish it as an invaluable act of benevolence by a member of their own community

5 That these properties from the time of their founder are being entirely used for charitable purposes and none of the members of the family of the donor can claim to have any interest in them as his own

6 That when the petitioner heard that these properties were about to be acquired by the Government she had no reason to believe it to be true as it is the interest of the Government to safe-guard and secure all charitable institutions in tact as far as possible

7 That she was served with the summons in the acquisition proceedings but she did not put in appearance as she firmly believed that the Government would safe guard the interest of the institution more than what a helpless widow in the position of the petitioner could do in the matter

8 That one Pogaku Venkatachaliah in execution of a fraudulent decree said to have been obtained against the petitioner's husband pretending to be the auction purchaser of the one-fourth share of her husband made infructuous attempts to secure possession but having failed to do so was surreptitiously waiting his time to draw the compensation amount in respect of the one fourth of the Chattram

9 That the petitioner is now given to understand that he has now successfully managed to withdraw the money namely -- Rs 11 301-4-10 from the Deputy Commissioner's Office under the pretext of being the Court sale purchaser though he knew full well that he was not entitled to the money as the result of orders passed against him in the Civil Court

10 The petitioner submits that this amount of compensation represents a part of the interest in a charitable institution which no person can call his own as already stated

11 The petitioner understands that Mr Tait Principal of the Central College Bangalore recommended the acquisition of the whole Chattram its adjuncts viz (1) Temple wells cart-stands and stone mantaps &c with the object of housing some of the College Professors and he also seems to have put forward the

plea of infection being carried to Hostel students, which statement he has yet to prove by facts and figures of vital statistics of the past years ever since the advent of plague

12 If these charities which are too well known all over the Province were ordered to be destroyed without due attention being paid to the sacred character of these and also without special enquiries which becomes incumbent on the part of the Government to make on such occasions, the petitioner ~~ha~~ ventures to submit that, people will surely look upon this act on the - part of the benign Hindu Government with horror

13 Would the benign Government expect such an application to be sent up by Mr Tait had these charities belong to Christian Communities? The answer to this querry, the petitioner begs to state is obvious Secondly is it not better to have such a noble institution as the L bour of the Hostel to inspire the younger generation with such charitable qualities in stead of having highly objectionable precincts viz the Central Jail with its teaming population of crime?

14 If Mr Tait's unsupported statement can carry so much influence regarding plague infection how much should the benign Government be afraid of carrying infection to its beloved Indian subjects when scavangers and such other dirty menial class are allowed to live within the compound of Victoria Hospital which is situated in the heart of the City?

15 When the benign Government the petitioner hears is hesitating to acquire a piece of land belonging to the Chriatian Chapel situated beyond New Tharagupet owing to the sacred character of the Church land the petitioner humbly ventures to - state that the benign Hindu Government which is governed by a most noble generous enlightened and beloved Prince assisted by an able far--seeing unselfish Dewar Sahib should not ~~the~~ thinks sanction the destruction of these hoary charitable instutions

once for all

16 If Government after due personal enquiry of the Dewan Sahib still decide to acquire the open space namely the cart-stand situated to the West of the central Chattram and the temple the petitioner begs to state that the same may be done by awarding an adequate compensation and the money thus awarded may be set apart for the up keep of the Chattram and Temple and not hand over the amount to any of scions of the family or other men as has been now done without due enquiry

17 The petitioner humbly prays that the present acquisition proceedings may be kindly cancelled and that if required urgently the cart stands may be acquired after awarding a compensation amount of Rs 50,000/- and the same may be set apart for the maintenance of the noble charitable institutions brought into existence by the petitioner's revered grand-father Kitchiah So far as the claim of the said Venkatachaliah is concerned it may be referred to Civil Court under Section 18 of the Land Acquisition Regulation and pending the final decision therein the amount paid to Venkatachaliah may be ordered to be immediately refunded for which generous act the petitioner will be grateful for ever

P S

Copies of this memorial have been submitted to the Dewan Sahib and the Deputy Commissioner Bangalore

Begs to subscribe herself
Your Highness' humble subject & applicant

Bangalore City
October '13

Left Thumb mark of
Lakshmidevamma

DEWAN'S OFFICE
Date of Receipt 22 10 13
Petn Regr No 1641

Edu 492-10
Serial 31

25/10 To 31/10/13

D 25-76

His Excellency The Dewan Saheb

of Mysore

M Y S O R E

The humble petition of Lakshmi Devamma
widow of the late Kotta Munisamy Chetty
residing in Kitchiah Setty's Chattram Petitioner

May It Please Your Excellency

1 That she is the widow of one Kotta Munisamy Chetty who died in Bangalore about 4 years ago

2 That the said Kotta Munisamy Chetty and one Nanjundiah were brothers and the only surviving male members of the family of their grand-father the late Kitchiah Chetty

3 That the said Kitchiah Chetty built a Chattram a Temol a cart-stand pond wells and other mantaps attached thereto for the benefit of the public in general and of the Vaisya Community in general

4 That this act of charity as the first of its kind in Bangalore so far as the petitioner is aware and all the members of the Vaisya Community cherish it as an invaluable act of benevolence by a member of their own community

5 That these properties from the time of their founder are being entirely used for charitable purposes and none of the members of the family of the donor can claim to have any interest in them as his own

6 That when the petitioner heard that these properties were about to be acquired by the Government she had no reason to believe it to be true as it is the interest of the Government to safe guard and secure all charitable institutions in tact as far as possible

7 That she was served with the summons in the acquisition proceedings but she did not put in appearance as she firmly belie ved that the Government would safe guard the interest of the institution more than what a helpless widow in the position of the petitioner could do in the matter

8 That one Pogaku Venkatachaliah in execution of a fraudulent decree said to have been obtained against the petitioner's husband pretending to be the auction purchaser of the 1/4th share of her husband made infructuous attempts to secure possession but having failed to do so was surreptitiously waiting his time to draw the compensation amount in respect of the 1/4th of the chattram

9 That the petitioner is now given to understand that he has now successuflly managed to withdraw the money viz Rs 11301-4 -10 from the Deputy Commissioner's Office under the pretext of being the Court sale purchaser though he knew full well that he was not entitled to the money as the result of orders passed against him in the Civil Court

10 The petitioner submits that this amount of compensation represents a part of the interest in a charitable institution - which no person can call his own as already stated

11 The petitioner understands that Mr Tait Principal of the Central College Bangalore recommended the acquisition of - the whole Chattram its adjuncts viz (1) Temple ells Cart- stands and stone mantapa &c with the object of housing some of the College Professors and he also seems to have put forward the

plea of infection being carried to Hostel Students which statement he has yet to prove by facts and figures of vital statistics of the past years ever since the advent of plague

12 If these charities which are too well known all over the Province were ordered to be destroyed without due attention being paid to the sacred character of these and also without - special enquiries which becomes incumban on the part of the Government to make on such occasions the petitioner ventures to submit that people will surely look upon this act on the part of the benign Hindu Government with horror

13 Would the benign Government expect such an application to be sent up by Mr Tait had these charities belong to Christian communities? The answer to this querry the petitioner begs to state is obvious Secondly is it not better to have such a noble institution as the neighbour of the Hostel to inspire the younger generation with charitable qualities instead of having highly objectionable precincts viz the Central Jail with its teaming population of crime?

14 If Mr Tailt's unsupported statement can carry so much influence regarding plague infection how much should the benign Government be afraid of carrying infection to its beloved Indian subjects when scavangers and such other dirty menial class are allowed to live within the compound of Victoria Hospital which is situated in the heart of the City

15 When the benign Government the petitioner hears is hesitating to acquire a piece of land belonging to the Christian Chapel situated beyond New Thargupe owing to the sacred character of the Chruch land the petitioner humbly ventures to state that the benign Hindu Government which is governed by a most - noble generous enlightened and beloved Prince assisted by an able far-seeing Statesman of Your Excellency's stamp and who is also a worthy son of the soil should not the petitioner begs to submit sanction destruction of these hoary charitable insti-

institutions once for all

16 If Governm nt after due personal enquiry of the Dewan Sahib still decide to acquire the open space namely the cart stand situated to the West of the Central Chattram and the temple the petitioner begs to state that the same may be done by awarding an adequate compensation and the money thus awarded may be set apart for the un-keep of the Chattram and Temple and not hand over the amount to any of the scions of the family or other men as has been now done without due enquiry

17 The petitioner humbly prays that the present acquisition proceedings may be kindly cancelled and that if required urgently the cart stands may be acquired after awarding an compensation amount of Rs 50 000/- and the same may be set apart for the maintenance of the noble charitable institutions brought into existence by the petitioner's revered grand father Kitchiah So far as the claim of the said Venkatachaliah is concerned it may be referred to Civil Court under Section 18 of the Land Acquisition Regulation and pending the final decision therein the amount paid to Venkatachaliah may be ordered to be immediately refunded for which generous act the petitioner will be grateful for ever

Begs to subscribe herself
Your Excellency's humble subject and applicant

Bangalore
October 1913

Left Thumb mark of
Lakshmidevamma

G. H. S. 26]

File No 472-10

Serial No 32

Diary No of letter replied to 2574

No 6940 / 2nd 2210 / 913 / 14

General and Revenue Secretariat
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To The Dy Comr., Bangalore
Dist

Date of issue 13/1/14

Signed by Nor Ranga Rao

Sir,

With Reference to your letter No. S 266 dt. the 10th Sept. 1913 Regarding the payment of Compensation to the Owners of the Kiffelly Chatham Silks adjoining the Central College Bangalore, acquired by Govt., I am directed to state that the parties who have presented petitions protesting against the

over

SUBJECT

payment of the Commutation to the Owners of the Chattrams may be informed that they should get an order of a proper Court on their claims to them a date to be fixed by you and that payment would be made thereafter to the proper claimants. You may also inform the several claimants of this Govt. this fact to the several owners of the Chattrams.

2 The Marginally noted petitions received on the subject are returned herewith for disposal accordingly

Sd/- C. S. B.
8/1/24
Secy to Govt, Ed Deptt

(1) Petn from Certain inhabitants of Bangalore alleging that the Chattram was a charitable endowment for the benefit of the public

(2) Petn from Subbamma, claimant of half the portion of the Chattram stating that it is not a charitable endowment but the private property of his family

(3) Petn from the widow of Kotha Annasamy Chetty stating that the chattram is a charitable institution

(4) Petn from Kotta Nanjunda Setty protesting against payment of the Commutation to Subbamma, claimant of half the Share in the Chattram

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